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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,982

10/22/2003

John Melideo

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EXAMINER

PATEL, JAY P

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No. **10/691,982**

Applicant(s)

MELIDEO, JOHN

Examiner

Jay P. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/22/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☒ Claim(s) ~~1-58~~ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/17/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-58 are objected to because of the following informalities:

The limitations in the claims must be separated by semicolons and furthermore, the word "and" should be inserted between the last limitation and the limitation that proceeds it.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13-22, 24-36, 38-47 and 49-57 are rejected under 35

U.S.C. 102(e) as being anticipated by Nelson et. al (US Publication 2004/0246946 A1).

3. In regards to claim 1, the step of providing a computer having a display, an input device, an application program and a telephone call module is anticipated by functional interface 100 (display, application program and telephone call module) in Figure 3 where the user can perform any telephony

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functions on the computer screen such as initiating a phone call. Furthermore, the user can dial the number using either the mouse or the keypad (input device).

In further regards, the application program comprising an integrated body of computer software comprised of one or more files, modules or parts that calls operating system services and performs work for a user is anticipated by the web-related software or firmware 72 in Figure 2. This firmware or software implements HTTP protocol.

In further regards, the telephone call module comprising software distinct from the application program and operating apart from the application program is anticipated by the telephony firmware/software 70 in Figure 2 which provides telephony functions needed to operate the IP phone and its features.

In further regards, the application program causing a telephone number to be displayed on the display, a user using the input device to activate the displayed telephone number and the telephone call module recognizing the activation of the displayed telephone number are all anticipated by figure 4 which shows a process by which a user executes a functionality of IP phone via a web browser. The application program causing a telephone number to be displayed on the display is anticipated by step 202 of figure 4 where the user selects link to IP phone form the directory. The user using the input device to activate the displayed telephone number is also anticipated by step 202 of figure 4 because the user actually has to either click on the link or dial the number using the keyboard to select the link. The telephone module recognizing the activation of

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the displayed telephone number is anticipated by step 204 of figure 4 where the HTTP request message is sent to the destination phone by the web browser.

In further regards, the telephone call module, in response to recognizing the activation of the displayed telephone number, causing a signal to be sent to a switch instructing the switch to initiate a telephone call between a predefined telephone number and the displayed telephone number is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 (see figure 2, IP telephone 22 and call manager 26 and paragraph 23 on page 2). The user sends the request through the call manager, which acts as the switch.

Furthermore, the call manager in addition to controlling the IP telephony devices also controls other telephony functions such as call routing (see paragraph 22 on page 2).

4. In regards to claim 13, a computer program being able to recognize activation by a user of a telephone number displayed by an application program is anticipated by step 204 of figure 4 where the HTTP request message is sent to the destination phone by the web browser.

In further regards to claim 13, a computer program in response to recognizing the activation of the displayed telephone number, cause a signal to be sent to a switch instructing the switch to initiate a telephone call between a predefined telephone number and the displayed telephone number is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 (see

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figure 2, IP telephone 22 and call manager 26 and paragraph 23 on page 2).

The user sends the request through the call manager, which acts as the switch.

Furthermore, the call manager in addition to controlling the IP telephony devices also controls other telephony functions such as call routing (see paragraph 22 on page 2).

5. In regards to claim 27, the user input device and a display device are anticipated by functional interface 100 (display) in Figure 3 where the user can perform any telephony functions on the computer screen such as initiating a phone call. Furthermore, the user can dial the number using either the mouse or the keypad (input device).

In further regards to claim 27, the processor and the memory are anticipated by the IP telephony device in figure 2, the device contains a memory 66 and a processor 64.

In further regards to claim 27, recognizing activation by a user of a telephone number displayed by an application program is anticipated by step 204 of figure 4 where the HTTP request message is sent to the destination phone by the web browser.

In further regards to claim 27, in response to recognizing the activation of the displayed telephone number, cause a signal to be sent to a switch instructing the switch to initiate a telephone call between a predefined telephone number and the displayed telephone number is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 (see figure 2, IP telephone 22 and

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call manager 26 and paragraph 23 on page 2). The user sends the request through the call manager, which acts as the switch. Furthermore, the call manager in addition to controlling the IP telephony devices also controls other telephony functions such as call routing (see paragraph 22 on page 2).

6. In regards to claims 39 and 49, the step of providing a server having a network application program and a telephone call module is anticipated by functional interface 100 (application program and telephone call module) in Figure 3 where the user can perform any telephony functions on the computer screen such as initiating a phone call.

In further regards to claims 39 and 49, the step of the application program sending a message to a client computer for causing a first telephone number to be displayed by the client computer is anticipated by step 202 in figure 4 where the user selects a link (i.e. a phone number of the destination) to the IP phone form the directory. When the user selects a phone number from the directory, i.e. button 104 in figure 3, the user must know that the number is being dialed to the destination; therefore the button 104 in figure 3, displays the number indirectly because it is actually a link to that number.

In further regards to claims 39 and 49, the step of the application program receiving a message form the client computer that the displayed telephone number has been activated is anticipated by step 220 where the phone executes desired function i.e. connect to the destination IP phone. Once the connection has been established, the user must know that the connection has been established.

In further regards to claims 39 and 49, the step of the telephone call module, in response to receiving the message, causing the signal to be sent to a switch instruction the switch to initiate the telephone call between a second, predefined telephone number and the first telephone number is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 (see figure 2, IP telephone 22 and call manager 26 and paragraph 23 on page 2). The user sends the request through the call manager, which acts as the switch. Furthermore, the call manager in addition to controlling the IP telephony devices also controls other telephony functions such as call routing (see paragraph 22 on page 2).

In regards to claims 2, 14, 28, 40 and 50, the conferencing button 502 in figure 8 anticipates the step of the user using the input device to activate a second telephone number where if the user wishes to involve another party in the conversation, the conferencing button can be used to set up a conference call.

In further regards, the step of the telephone call module recognizing the activation of the second telephone number is anticipated by step 204 of figure 4 where the HTTP request message is sent to the destination phone by the web browser.

In further regards, the telephone call module, in response to recognizing the activation of the second telephone number, causing a second signal to be sent to the switch instructing the switch to initiate a conference call between the predefined telephone number, the displayed telephone number and the second



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telephone number is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 (see figure 2, IP telephone 22 and call manager 26 and paragraph 23 on page 2). The user sends the request through the call manager, which acts as the switch. Furthermore, the call manager in addition to controlling the IP telephony devices, also controls other telephony functions such as call processing, call transfer, routing and phone features which would include the conferencing feature (see paragraph 22 on page 2).

In regards to claims 3, 15, 29, 41 and 51, the step where the signal and the second signal are joined in a single message to the switch is anticipated by the disclosure that when a user wishes to place a call from one IP telephony device to another, the calling device transmits data to the call manager 26 indicating the desired function and destination (see figure 2, IP telephone 22 and call manager 26 and paragraph 23 on page 2). It is noted that the desired function in this instance can be the conferencing feature from figure 8.

In regards to claims 4, 42 and 52, steps 202 and 204 of figure 4 where the user selects the link to the desire IP phone from the directory and the http request is sent to the phone anticipate the step of transmitting the predefined telephone number and the displayed telephone number to the switch. As stated above, the call manager 26 of figure 1 handles all the IP telephony functions therefore, when a user transmits the signal to the call manager it will know the user's telephone number as well as the telephone number of the desired

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destination IP phone. Once again it is noted that the call manager acts as the switch.

In regards to claims 5, 16, 30, 43 and 53, the step of the telephone call module receiving call status information from the switch is anticipated by the functions of the call manager 26 in figure 1. The call manager controls phone options such as call hold, call transfer and caller ID (see page 2 paragraph 22). Once again the call manger is viewed as the switch in this instance and the call status could be the call hold option.

In further regards, the step of the telephone call module causing the call status information to be provided to the user is anticipated by the functional interface 100 in figure 3, which shows the web browser implementation of the IP telephone. It is stated that the functions 106 in figure 3 can be performed using the functional interface include call holding; therefore, if a user decides to hold the call, the interface must have some sort of status display showing the user that the call is being held (see paragraph 42 on page 2)

In regards to claims 6, 17 and 31, the step of displaying the call status information is anticipated by the same disclosure used with regards to the second limitation of claims 5, 16, 30, 43 and 53.

In regards to claims 7, 18 and 32, the function buttons 106 in figure 3 anticipates the step of the status selected from a group including connected, dropped, busy and closed. The function buttons include, hold, transfer, call parking, conference calling, call forwarding and redialing (see figure 3 and page 2 paragraph 42).

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In regards to claims 8, 19, 33 and 44, the step of the telephone module sending the call initiation message for causing the signal to sent to the switch is anticipated by the functional interface 100 in figure 3 and the call manager 26 in figure 1. The functional interface 100 mimics the appearance of IP phone and allows the user to use the features as they would be used on a physical phone (see paragraph 42 on page 2). The call manager, handles controls the features of the IP phone including call processing (see paragraph 22 on page 2) therefore, the call manager receives the call initiation request from the IP phone and thus acts as the switch.

In regards to claims 9, 20, 45 and 55, the step of the telephone module sending the call initiation message directly to the switch is anticipated by the same disclosure used with regards to claims 8, 19, 33 and 44.

In regards to claims 10, 21, 35, 46 and 56, the step of opening up a dedicated TCP connection to authenticate the user and start a call session with the server is anticipated by the disclosure that the web server is a computer system connected to a TCP/IP based network, running software program that implements the HTTP protocol to exchange messages between the server and web clients (see paragraph 29 on page 3).

In regards to claims 11, 22, 36, 47 and 57, the step of the call initiation message comprising one or more HTTP requests is anticipated by the same disclosure used with regards to claims 10, 21, 35, 46 and 56.

In regards to claim 24, the general purpose computer comprising the application program, a display for displaying the telephone number, a user input

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device for receiving the activation, and a communications interface for sending the signal to the switch is anticipated by the functional interface 100 (display, application program) in Figure 3 where the user can perform any telephony functions on the computer screen such as initiating a phone call. Furthermore, the user can dial the number using either the computer screen or the keypad (input device).

In regards to claim 25, the apparatus for the computer software comprising a second application program is anticipated by the real time operating system (RTOS) 68 in the memory 66 in figure 2. The RTOS is an operating system software or firmware that guarantees a certain capability within a specified time constraint (see paragraph 39 of page 4).

In regards to claim 26, wherein the computer software comprises a dynamic linked library is anticipated by the content 74 in memory 66 in figure 2. The content 74 contains web page data that is provided upon request by web client. The web page data is contained in the memory and as evident from figure 2 is in a stack format because the web page may contain more than one type of content and since a user can access it through a link, it is dynamically linked.

In regards to claim 34, the processor and the memory further comprising circuits and software for sending the call initiation message to the switch is anticipated by the memory 66 in figure 2. Memory 66 contains operating system software and firmware controlled by the processor 64 and the telephony software or firmware 70 to provide various telephony functions (see paragraph 39 on page 4).

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In regards to claim 38, the software comprising an application program and a telephone call module distinct from the application program is anticipated by the telephony firmware/software 70 in Figure 2 which provides telephony functions needed to operate the IP phone and its features. The application program in claim 27 of this application displays the telephone number while the software recognizes the activation and performs the desired functions (also see paragraph 39 on page 4).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12, 23, 37, 48 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US Publication 2004/0246946 A1) as applied to claims 1, 8, 13, 19, 27, 33, 39, 44, 49 and 54 above, and further in view of Greenberg et al. (US Publication 2001/0038624 A1).

9. In regards to claims 12, 23, 37, 48 and 58, Nelson teaches all the limitations of claims 1, 8, 13, 19, 27, 33, 39, 44, 49 and 54 as stated above. Nelson fails to teach the limitation of the call initiation message comprising one or more SIP messages sent to the data network. Greenberg teaches the above-mentioned limitation. Figure 1 in Greenberg discloses an overall architecture of

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the present universal Internet based telephony system; a telephony system 100 includes a web server 100A and a server-side telephony application 111 in the web server. It is disclosed in Greenberg on page 11 paragraph 91 that the SIP protocol mainly addresses the call setup and tear~~y~~down mechanisms of sessions and is independent of the transmission media used between the source and the destination.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the call initiation message disclosed by Nelson using the SIP protocol as disclosed by Greenberg. The proper motivation comes from Greenberg where it is stated "The telephony protocol stack resident in server side telephony application process 111 can be implemented using the SIP protocol which is an IETF standard protocol for IP communication, for enabling IP telephony gateways, client endpoints, private branch exchanges, and other communication systems or devices to communicate with each other" (see page 11 paragraph 91).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay P. Patel whose telephone number is (571) 272-3086. The examiner can normally be reached on M-F 9:00 am - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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